

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**DEBRA GALLEGOS,**

**Plaintiff,**

**v.**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,**

**Defendant.**

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**Civil Action No. 3:12-CV-0377-O-BK**

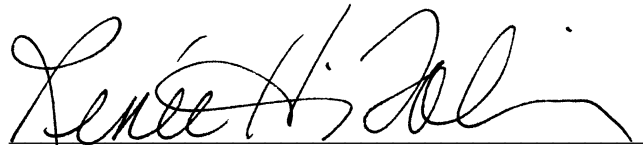
**FINDINGS, CONCLUSIONS, AND RECOMMENDATION**

On August 1, 2012, this Court entered *Findings, Conclusions and Recommendation*, recommending that the Court deny Plaintiff's *Motion for Summary Judgment*. (Doc. 18). Further, the undersigned ordered Defendant to file a *Motion for Summary Judgment* no later than August 8, 2012, so the District Judge could grant judgment in Defendant's favor and close this case should the District Judge accept this Court's findings. *Id.* at 15. By August 20, 2012, Defendant had not complied with this Court's directive. Thus, the undersigned issued an *Order to Show Cause* directing Defendant's counsel to explain why she should not be sanctioned for failing to comply with the Court's order of August 1, 2012. (Doc. 19).

Counsel has now responded to the Court's *Order to Show Cause*, stating that she did not fully read the Court's *Findings, Conclusions and Recommendation* at the time she received them due to a family emergency. (Doc. 20). Counsel also has filed a *Cross-Motion for Summary Judgment* (Doc. 21), which the undersigned granted leave to file out of time. (Doc. 23). In view of counsel's explanation in response to the Court's show cause order, the undersigned

recommends that Defendant's *Cross-Motion for Summary Judgment* (Doc. 21) be **GRANTED** and that the case be **CLOSED**.

**SO RECOMMENDED** on August 30, 2012.

A handwritten signature in black ink, appearing to read "Renée H. Toliver", written over a horizontal line.

RENÉE HARRIS TOLIVER  
UNITED STATES MAGISTRATE JUDGE